

Notice of Allowability

Application No.

09/445,617

Examiner

Cheryl Juska

Applicant(s)

LEMIEUX, ALAIN

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed September 9, 2003
2. ☒ The allowed claim(s) is/are 1,3-12 and 14-46.
3. ☒ The drawings filed on 08 December 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No. _____
- 7 ☐ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

Cheryl Juska
Primary Examiner
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DETAILED ACTION

Response to Amendment

1. The amendment filed September 9, 2003 has been entered. Claims 3-6 have been amended as requested. New claims 25-46 have been added. Claims 2 and 13 are cancelled. Thus, the pending claims are 1, 3-12, and 14-46.

2. Applicant's arguments with respect to the motivation to combine the references has been found persuasive (Amendment, page 14). Specifically, applicant argues that the packaging material subject matter of the secondary references of Maeda, Shiiki, or Yamaguchi could be combined with the primary reference of Leffingwell with a reasonable expectation of success, since the shock absorbing properties of packaging materials do not necessarily correspond to properties desired in the artificial turf underpad of Leffingwell. Thus, one skilled in the art would not necessarily look to the art of packing materials for an underpad material of an artificial turf. Therefore, the rejections of claims 1, 3-12, and 14-24 are hereby withdrawn.

3. An updated search of the prior art has produced no new art of record for which to base a rejection.

Allowable Subject Matter

4. Claims 1, 3-12, and 14-24 are allowed. The prior art does not teach or suggest the presently claimed combination of a synthetic turf surface or a synthetic rooftop, patio, or deck surface comprising a synthetic grass carpet surface, a base sheet, and an underpad having a

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thickness of $\frac{1}{4}$ - 12 inches comprising a sheet of molded, open cell, expanded, resilient polypropylene material formed from polypropylene beads having a density of 1.3-2.8 lbs/ft³.

5. New claims 25-34 and 45 are allowed since, as noted above, the prior art does not teach a synthetic turf surface comprising a synthetic grass carpet surface, a base sheet, and an underpad having a thickness of $\frac{1}{4}$ - 12 inches comprising a sheet of molded, open cell, expanded, resilient polypropylene material formed from polypropylene beads having a density of 1.3-2.8 lbs/ft³.

6. New claims 35-44 and 46, drawn to a synthetic rooftop, patio, or deck surface are similarly allowed.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

cj
December 29, 2003


CHERYL A. JUSKA
EXAMINER